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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,044	01/31/2002	Jean-Claude Mayet	A34973	3930
21003	7590	02/06/2004		
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
			EXAMINER KNABLE, GEOFFREY L	
			ART UNIT 1733	PAPER NUMBER

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,044

Applicant(s)

MAYET, JEAN-CLAUDE

Examiner

Geoffrey L. Knable

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4-29-2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, no antecedent has been established for "the base of the oscillating arm".

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 962304 to Bridgestone.

EP '304 discloses an apparatus for producing a tire reinforcement formed from a thread delivered continuously and on request by an appropriate dispenser, the apparatus being intended to be used in cooperation with a substantially toroidal form (1) on which the reinforcement is progressively constructed by laying hoops of the thread on a desired thread path on the surface of the form, the apparatus comprising: a guiding member in which the thread can slide freely (21/23 in fig. 1; 37/49 in figs. 5-6; 115/117 in figs. 22-24), this member being supported by an oscillating arm (17 in fig. 1; 35 in figs. 5-6 and 113 in fig. 24), means to impart the to and fro oscillating movement of the arm and a presser (e.g. note 7 in fig. 1) for applying the thread at the ends of the thread path. Further, in each embodiment, the oscillating arm is curved (e.g. note the curve in arms 17 in fig. 1; 35 in figs. 5-6 and 113 in fig. 24). In fig. 1, it is clear that the final

curve of the arm (17) brings the guiding member (21/23) for the thread closer to the form, this being considered to be curved towards the form as claimed. In claims 5-6 and 22-24, the curve in the arm brings the arm to its desired position closer to the form and thus these likewise are considered to reasonably be termed as curved towards the form as claimed. The requirement that the guiding member is brought "close" to the form is not considered to define over any of these embodiments, including that of figs. 1/3. In other words, even the space shown in fig. 3 can be described as relatively close to the form, the term "close" not being considered sufficient to define over this.

As to claim 2, the rotation axis of the arm clearly intersects the form – e.g. note fig. 1. As to claim 3, the arms as illustrated include parts both perpendicular and parallel to the axis of rotation thereof, the perpendicular part being upstream of the parallel part. As to claim 4, note 21/37/115 forming the end of a hollow arm.


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Laurent (US 4,963,207) discloses an apparatus for building a tire on a toroidal support including an extruder that can be displaced along all external parts of the support, the extruder including a nozzle (12) shaped to bring it close to the support. This apparatus is however not for delivering a thread and thus is less relevant than the applied prior art.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
February 3, 2004